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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,762	03/23/2000	Jae Kyung Lee	0630-1061P	9869
7590	01/30/2004		EXAMINER	
Birch Stewart Kolasch & Birch LLP P O Box 747 Falls Church, VA 22040-0747			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	13
DATE MAILED: 01/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/533,762	LEE ET AL.
	Examiner Peng Ke	Art Unit 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11.18/03.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,9-12 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,9-12 and 15-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other:

## **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed on 11/18/03.
2. Claims 1-6, 9-12, and 15-17 are pending in this application. Claims 1-4 are independent claims. In the Amendment, filed on 11/18/03, claims 1-4 are amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugo (JP 04246720) in view of Kleewein et al. (US 5,914,717).

As per independent claim 1, Tsugo teaches a method for displaying a menu on a video display apparatus, the menu screen comprising a menu level having a plurality of menus, each of which are displayed in a first color, wherein selecting a menu from the plurality of menus cause a corresponding lower menu level to be generated, and the corresponding lower menu level to be displayed in a second color that is different from the first color, and wherein menu is displayed in a last color that is different from colors in which any other menus or menu levels are displayed on the menu screen (Detail Description, P. 0004).

However Tsugo doesn't teach the selected menu and the corresponding lower menu level to be displayed in a second color that is different from the first color.

Kleewein et al. teaches the selected menu and the corresponding lower menu level to be displayed in a second color that is different from the first color (Fig 4, items 48, 50, 54).

It would have been obvious to an artisan at the time of the invention to include Kleewein's teaching with Tsugo's method in order to provide a contrast between selected item and the menu it is on.

As per independent claim 2, Tsugo teaches a method for displaying a menu screen on a video display apparatus, the menu screen comprising a plurality of menus and menu levels, wherein selecting a menu from the plurality of menus generates a corresponding lower menu level (paragraph 0008, Detail Description, P. 0004, 0007).

However Tsugo doesn't teach the selected lower menu and the corresponding menu level being displayed in the same manner and differently from other menus and menu levels on the menu screen.

Kleewein et al. teaches the selected lower menu and the corresponding menu level being displayed in the same manner and differently from other menus and menu levels on the menu screen (Fig 4, items 48, 50, 54).

It would have been obvious to an artisan at the time of the invention to include Kleewein's teaching with Tsugo's method in order to provide a contrast between selected item and the menu it is on.

As per independent claim 3 is rejected with the same rationale as claim 1.

As per independent claim 4 is rejected with the same rationale as claim 1.

As per claim 5, which is dependent on claim 2, Tsugo and Kleewein teach the method according to claim 2. Tsugo further teaches wherein the menus and menu levels are displayed using blocks, and the selected menu and the corresponding menu level are displayed on a different block from other menus and menu levels (Fig 2, item I, II, III).

As per claim 9, which is dependent on claim 3, Tsugo and Kleewein teach the method according to claim 3. Tsugo further teaches the method wherein the menus and menu levels are displayed using blocks, and the selected menu and the corresponding menu level are displayed on a different block from other menus and menu levels (Fig 2, item I, II, III).

As per claim 10, which is dependent on claim 4, it is of the same scope as claim 9.

6. Claims 6, 11 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugo (JP 04246720) in view of Kleewein et al. (US 5,914,717) further in view of Roberge (US 6,154,750).

As per claim 6, which is dependent on claim 2, Tsugo and Kleewein teach the method according to claim 2. However they fail to teach wherein the menus and menu levels are displayed using different shadings, and the selected menu and the corresponding menu level are displayed using a shading that is different from the shadings of the other menus and menu levels. Roberge teaches a method wherein the menus and menu levels are displayed using different shadings, and the selected menu and the corresponding menu level are displayed using a shading that is different from the shadings of the other menus and menu levels (Fig. 9, item 91, col. 6, lines 35-410).

It would have been obvious to an artisan at the time of the invention to include Roberge's teaching with method of Tsugo and Kleewin et al. in order to make it easier for user to recognize the submenus, which have a different shade from each other .

As per claim 11, which is dependent on claim 3, Tsugo in view of Kleewein et al. teach the method according to claim 2. However Tsugo and Kleewein fail to teach wherein the menus and menu levels are displayed using different shadings, and the selected menu and the

corresponding menu level are displayed using a shading that is different from the shadings of the other menus and menu levels. Roberge teaches a method wherein the menus and menu levels are displayed using different shadings, and the selected menu and the corresponding menu level are displayed using a shading that is different from the shadings of the other menus and menu levels (Fig. 9, item 91, col. 6, lines 35-410).

It would have been obvious to an artisan at the time of the invention to include Roberge's teaching with the method of Tsugo and Kleewin in order to make it easier for user to recognize the submenus, which have a different shade from each other.

As per claim 12, which is dependent on claim 4, it is of the same scope as 11 (see rejection above).

7. Claim 15 and 16 and 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsugo (JP 04246720) in view of Kleewein et al. (US 5,914,717) further in view of Ermel et al. (U.S. 5,835,094).

As per claim 15, which is dependent on claim 5, Tsugo and Kleewein teach claim 5. However they fail to teach the method wherein each of the blocks is displayed three dimensionally so as to show its height. Ermel et al. teaches a method wherein each of the blocks is displayed three dimensionally so as to show its height (fig 1-4, col 3 lines 37-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ermel's teaching with Tsugo's method in order to give user a complete view of all the available selections of the menu.

As per claim 16, which is dependent on claim 9, Tsugo in view of Kleewein teach claim 9. However, they fail to teach the method wherein each of the blocks is displayed three

dimensionally so as to show its height. Ermel et al. teaches a method wherein each of the blocks is displayed three dimensionally so as to show its height (fig 1-4, col 3 lines 37-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ermel's teaching with the method of Tsugo and Bloomfield in order to give user a complete view of all the available selections of the menu.

As per claim 17, which is dependent on claim 10, it is of the same scope as claim 16 (see rejection above).

***Response to Argument***

Applicant's arguments with respect to claims 1-6, 9-12, and 15-17 have been considered but are deemed to be moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Peng Ke

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